
 STATUTORY INSTRUMENTS

1981 No. 721 (S.75)

EDUCATION, SCOTLAND

**The Teaching Council (Scotland) (Disciplinary Committee
Assessor) Rules 1981**

Made - - - - 7th May 1981
 Coming into Operation 1st June 1981

The Lord President of the Court of Session, under and by virtue of the powers conferred upon him by section 10 of and paragraph 3 of Schedule 2 to, the Teaching Council (Scotland) Act 1965(a), hereby enacts and declares—

Citation, commencement and interpretation

1.—(1) These rules may be cited as the Teaching Council (Scotland) (Disciplinary Committee Assessor) Rules 1981 and shall come into operation on 1st June 1981.

(2) In these rules—

“The Act” means the said Act of 1965;

“the Committee” means the Disciplinary Committee set up under section 10 of the Act;

“Assessor” means an assessor appointed under the said paragraph 3 for the purpose of advising the Committee on questions of law.

Functions of assessor

2.—(1) In any proceedings before the Committee where the Committee requires to determine whether a registered person is guilty of infamous conduct in any professional respect the assessor shall advise the Committee on any question of law arising in these proceedings in accordance with the following provisions of this rule.

(2) The assessor shall during any such proceedings give the Committee such advice as is necessary to enable the proceedings to be conducted by the Committee in accordance with the law of evidence and the appropriate rules of procedure.

(3) When in any such proceedings the stage is reached when the Committee proposes to retire to consider its decision in private, the assessor shall, immediately before the Committee retires, advise them on all questions of law to which they should have regard in their deliberations.

(4) The Assessor may give any such advice as is mentioned in paragraphs (2) or (3) to the Committee at any time when in course of the proceedings it is considering any matter or question in private.

Advice to the public

(5) Any advice given by the assessor to the Committee under this rule shall—

(a) if given in public be given in such a manner as to be audible to all parties to the proceedings and their representatives;

(b) if given in private, be intimated as soon as reasonably practicable in public.

(6) If the Committee does not accept any such advice, a statement to that effect together with their reasons for not accepting it, shall be made on behalf of the Committee, either during the proceedings or when they give their decision, if that is given later.

Revocation

3. The Teaching Council (Scotland) (Disciplinary Committee Assessor) Rules 1968(a) are revoked.

Edinburgh.
7th May 1981.

Emslie,
Lord President.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These rules make new provisions in relation to the functions of legal assessors to the Disciplinary Committee of the General Teaching Council in Scotland and revoke the existing rules.

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